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## **Why would GOP Congress try to overrule state and intrude on a sensitive family matter?**

Schiavo fight fuels questions on who makes life-or-death decisions

By U.S. Rep. John Conyers

I have been a member of the Congress since 1965, but in all my time in the House of Representatives, I have never participated in a debate more discordant with our role as legislators than occurred late Sunday night concerning special relief in the Terri Schiavo matter.

Rather than considering the usual pro and con concerning broad policy pronouncements, we in essence held a factual trial concerning a single legal dispute. In doing so, we abandoned our role as a serious legislative branch and instead took on the inappropriate role not only of judge, but of doctor, priest, parent and spouse.

By passing this bill in a special "emergency session," we intruded on the most sensitive possible family decision at the most ill-opportune time. It is hard for me to envision a case or circumstance that Congress will not be willing to involve itself in under this precedent.

Certainly, the Republican Party now needs to abandon any pretense of claiming it is the party that respects and honors our system of federalism. The concept of the states as "laboratories of democracy" as articulated by Justice Louis Brandeis lies in tatters in the wake of Congress' decision to intervene to reverse a single state law decision.

During the congressional debate, we heard time and time again that the Republicans were the party of morals and values, and that they and they alone supported the "culture of life" as President George W. Bush is so found of repeating. But the facts do not bear this contention out.

If the legislation were only about principle, one has to wonder why the Republicans were circulating talking points extolling the political virtues of the Schiavo bill? The press obtained a copy of the Senate Republican talking points, which declared that the Schiavo case was "a great political issue" and that, by passing this bill, "the pro-life base will be excited" -- hardly the stuff of great moral crusades.

If the president really cared about the issue of the removal of feeding tubes, he never would have signed a bill as Texas governor in 1999 allowing hospitals to save money by removing feeding tubes over a family's objection.

Yet there it is in fine print, a statute allowing the physician and the patient's legal guardian in the absence of a living will to "make a treatment decision that may include a decision to withhold or withdraw life-sustaining treatment from the patient." The fact pattern envisioned by the Texas law almost fits precisely the facts of the Schiavo case.

And perhaps most important, if the Republican Congress really cared about saving lives, they would never sit idly by while more than 40 million Americans went without health insurance.

The Schiavo case was not the first time the Republican Congress opted to engage in judicial forum shopping to suit their needs.

Last year, House bills stripped the federal courts of their power to review cases involving same sex marriage and the Pledge of Allegiance because they feared they would read the Constitution too broadly.

Last month, the Republican majority passed legislation that took jurisdiction away from state courts in class-action cases because they feared they would treat corporate wrongdoers too harshly.

This week, Congress decided to overturn and send to federal court the most extensively litigated "right to die" case in our nation's history, because they said we couldn't trust the state courts.

The only consistent principle running through this line of congressional overreaching is that of manipulating the court system to achieve pre-determined substantive outcomes.

I realized on the House floor this week that by passing this law, we can no longer truly tout our selves as a nation of laws, not men. Enacting the bill forces us into the uncomfortable position of telling our friends and new democracies abroad that even though we expect them to live by the rule of law, the Republican majority can ignore it when it doesn't suit their needs.

We need to return to the business of passing general laws that apply to and benefit all of our citizens, and need to give up on trying to micromanage the federal and state judiciaries to achieve political objectives.

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